

APR 12 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FELIPE DE JESUS ARIAS-LOPEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74453

Agency No. A78-315-122

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 5, 2006^{**}

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Felipe De Jesus Arias-Lopez is a native and citizen of El Salvador. Arias-Lopez petitions for review of the Board of Immigration Appeals' ("BIA") decision, which affirmed the Immigration Judge's ("IJ") order denying his

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”).

We lack jurisdiction to review the BIA’s determination that Arias-Lopez is statutorily ineligible for asylum based on the one-year time bar, and the BIA’s determination that Arias-Lopez did not establish extraordinary circumstances to excuse the one-year time bar. *See Ramadan v. Gonzales*, 427 F.3d 1218, 1221-22 (9th Cir. 2005). We dismiss the petition with respect to this claim.

We have jurisdiction pursuant to 8 U.S.C. § 1252 over the remaining claims. “Where, as here, the BIA adopts the IJ’s decision while adding its own reasons, we review both decisions.” *See Kataria v. INS*, 232 F.3d 1107, 1112 (9th Cir. 2000). We review for substantial evidence the decision to deny withholding of removal, *Hakeem v. INS*, 273 F.3d 812, 816 (9th Cir. 2001), and relief under CAT, *Zheng v. Ashcroft*, 332 F.3d 1186, 1193 (9th Cir. 2003). We deny these claims.

Substantial evidence supports the denial of withholding of removal because Arias-Lopez did not establish that it is more likely than not that he will be persecuted in El Salvador. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1185 (9th Cir. 2003); *see also Ramadan*, 427 F.3d at 1222-23.

Substantial evidence also supports the denial of CAT relief because Arias-Lopez did not establish that it is more likely than not that he will be tortured in El Salvador. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003).

PETITION FOR REVIEW DISMISSED in part, and DENIED in part.